

MONTANA DEPARTMENT OF JUSTICE  
Jeremy S. Craft, Agency Legal Counsel  
Agency Legal Services Bureau  
1712 Ninth Avenue  
PO Box 201440  
Helena, MT 59620-1440  
Phone: (406) 444-7375  
Fax: (406) 444-4303  
Jeremy.Craft@mt.gov

*Attorney for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

MAKUEEYAPEE D. WHITFORD,

Plaintiff,

vs.

BRIAN GOOTKIN and JIM  
SALMONSEN,

Defendants.

CV 22-70-H-BMM-JTJ

NOTICE AND WARNING TO *PRO SE*  
PRISONER

The Court requires this Notice and Warning to be given to all *pro se* prisoner litigants when an opposing party files a motion for summary judgment.<sup>1</sup>

Defendants have filed a motion for summary judgment by which they seek to have your claims against them dismissed and judgment

---

<sup>1</sup> D. Mont. L.R. 56.2.

entered against you. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

Rule 56 tells you what you must do to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact—that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations or other sworn testimony, you cannot simply rely on what your complaint says. Instead, you must set out specific facts in the record, including depositions, documents, affidavits or declarations, stipulations, admissions, interrogatory answers, or other materials, as provided in Rule 56(c), or comply with Rule 56(d), to contradict the facts shown in the other party's declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, judgment will be entered against you and there will be no trial.

Additionally, a local rule of the District of Montana, D. Mont. L. R. 56.1(b), requires that “[a]ny party opposing a motion for summary judgment must file a Statement of Disputed Facts setting forth the specific facts, if any, that establish a genuine issue of material fact precluding summary judgment in favor of the moving party.”

DATED this 22nd day of September 2023.

AGENCY LEGAL SERVICES BUREAU

/s/ *Jeremy S. Craft*  
JEREMY S. CRAFT  
Agency Legal Counsel

## CERTIFICATE OF SERVICE

I certify that on September 22, 2023, I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that on September 22, 2023, I caused a copy of the foregoing document to be served by first class mail to:

Makueeyapee D. Whitford, #3015941  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

/s/ Jeremy S. Craft  
JEREMY S. CRAFT  
Agency Legal Counsel